IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16623 of 2004

Between:
Ragam Sangaiah, S/o Venkatarajaiah,
Managing Director of M/s Vijayalaxmi Traders (Sri Siddeshwara Industries)
Ragode Village and Mandal, Medak District

..... PETITIONER

AND

The Collector (Civil Supplies), Medak District at Sangareddy

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondent issued Telegram dated 14-9-2004 as null and void and pass such other order or orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondent.

The petitioner claims to be the owner of the stock seized in the year 1999. It appears that subsequently, proceedings under Section 6-A of the Essential Commodities Act have been initiated and ultimately by virtue of the order passed in Crl.R.C.No.1771 of 2003 dated 07.07.2004, the seized stock to the extent of 25% has been confiscated. In pursuance thereof, the respondent herein by memo dated 26.08.2004 called upon the petitioner to remit a sum of Rs.1,24,224/- towards 25% value of the seized stock by 10.09.2004, failing which the seized stock will be put to public auction to realise the value of the confiscated stock. On receipt of the same, the petitioner filed an application before the respondent on 09.09.2004 requesting to postpone the auction by (30) days. The said request of the petitioner has been refused by telegram dated 14.09.2004 and the petitioner was informed that the memo dated 26.08.2004

holds good. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner states that the petitioner is willing to pay the amount as directed by Memo dated 26.08.2004, however the respondent is not justified in rejecting the request of the petitioner for granting little more time to comply with the same.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and on a perusal of the record, I am of the view that interests of justice would be met if the petitioner is granted two weeks time from today (i.e., till 30.09.2004) for depositing the amount as required by the respondent in the memo dated 26.08.2004. If the petitioner fails to deposit the amount within the time granted, it is open to the respondent to proceed further in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the respondent not to put the seized stock to public auction in pursuance of the Memo.No.CSA/4S/99, dated 26.08.2004 till 30.09.2004. No costs.

_____

16.09.2004

vgb

To

1 The Collector (Civil Supplies), Medak District at Sangareddy
2 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
3 2CD copies